

To: Christine Vigneault, Committee of Adjustment Secretary Treasurer

From: Nancy Tuckett, Director of Development Planning

Date: February 14, 2023

Name of Owner: Sunny Dhingra

Location: 229 Farrell Road

File No.(s): A290/22

Proposed Variance(s) (By-law 01-2021):

- 1) To permit an outdoor swimming pool in the interior side yard and the front yard.
- 2) To permit a residential accessory building to be located closer to the front lot line than the principal building.
- 3) To permit a front yard setback of 0.60 m for the residential accessory building.

By-Law Requirement(s) (By-law 01-2021):

- 1) An outdoor swimming pool shall only be permitted in the rear yard of a lot. [4.21.2]
- 2) An accessory building or residential accessory structure shall not be located closer to a front lot line or exterior side lot line than the principal building on the lot, except where explicitly permitted by this By-law. [4.1.2.c.]
- 3) A minimum front yard setback of 4.5 m is required to the proposed swimming pool equipment. [Table 7-7]

Official Plan:

Vaughan Official Plan 2010 ('VOP2010'): "Low-Rise Residential" by Schedule 13 – Land Use, and "Oak Ridges Moraine Settlement Area" by Schedule 4 – Oak Ridges Moraine Conservation Plan & Greenbelt Plan Areas

Comments:

The Owner is requesting permission to construct an in-ground swimming pool and accessory structure (shed) with the above noted variances.

The lot is irregular and somewhat reverse pie shaped; its front lot line is a convex curve, following the curvature of the road. The dwelling was constructed such that its west and south façades are at an angle to the front lot line, resulting in 3 distinct pinch points on the dwelling's southwest side where it comes closest to the road. The west façade contains the garage doors, driveway, and functions as the front of the dwelling. The pool and shed are proposed to the south of the dwelling's southern walls. The unique shape of the lot and the dwelling's placement within it has triggered the above noted variances, as the pool and shed's location as defined in By-law 001-2021 is considered the front and interior side yard. The Development Planning Department has no objection to the location of the swimming pool and shed. Appropriate fencing and vegetation measures are proposed to reduce any possible disturbance to the sidewalk and wider streetscape. The area south of the dwelling where the pool and shed are proposed will be fenced to function as part of a greater rear yard amenity space.

At the request of Development Planning the Owner has confirmed the maximum building height of the accessory structure (shed) will not exceed 1.8 m (the proposed fence height). Evergreen trees (min. 2 m in height) are recommended to be planted behind the proposed fence, and parallel to the front lot line to provide additional separation between the rear yard and streetscape functions through vegetative buffering. A condition to this effect is recommended below. Provided the shed is less than or equal to the height of the fence and the swimming pool related activities are screened off by the vegetative plantings there would be no visual impacts on the public right-of-way.

In support of the minor variance application the Owner submitted an Arborist Report, prepared by Al Miley & Associates, dated January 9, 2023. The Urban Design Division of Development Planning reviewed the findings of the report and has no concerns.

The Development Planning Department is of the opinion the variances are minor in nature, maintain the general intent and purpose of the Official Plan and Zoning By-law, and are desirable for the appropriate development of the land.

Recommendation:

The Development Planning Department recommends approval of the application, subject to a condition.

Condition of Approval:

If the Committee finds merit in the application, the following condition of approval is recommended:

1. That prior to the issuance of a building permit, the Owner shall submit a letter of undertaking to carry out the following within 1 year of the issuance of said building permit:
 - a. Plant coniferous trees at least 2 metres in height of a species satisfactory to the Urban Design Division - Development Planning Department in the locations depicted in the Elevation Plan attached to this decision; and
 - b. Submit photographic evidence to the satisfaction of the Urban Design Division of Development Planning Department confirming the completion of the planting works.

Comments Prepared by:

Roberto Simbana, Planner I
David Harding, Senior Planner